

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 22, 2010**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

Each of the following:

B208797 People v. Komonyi  
B213103 People v. Flenoury  
B214329 People v. Romes and Aguilar  
B214383 People v. Ventura  
B214892 People v. Valencia  
B213469 People v. Diaz  
B215089 People v. Johnson  
B215134 People v. Acuna  
B216136 People v. Murray  
B216443 People v. Shelton  
B217427 People v. Washington  
B218398 People v. Vizcarra  
B218967 People v. Block  
B219883 In re Alfred Rodriguez on Habeas Corpus.  
B222551 Christian M. v. SCLA (DCFS)

Argument waived, cause submitted.

B211710     Samantha C.  
               v.  
               Office of Administrative Hearings

Matter continued to May 26, 2010.

DIVISION ONE (continued)

B218089      Physicians Committee  
                 v.  
                 McDonald's Corporation

Matter continued to June 22, 2010.

B212639      People  
                 v.  
                 Kincy

Merits:  
Argued by Linda Gordon for appellant and by William Shin, Deputy  
Attorney General for respondent. Cause submitted.

B211125      Ross  
                 v.  
                 Frank, et al.

Merits:  
Argued by Robert J. Hendricks for appellants and by Gerald M. Serlin for  
respondent. Cause submitted.

B212621      Sligh  
                 v.  
                 Los Angeles Police Department

Merits:  
Argued by David K. Dorenfeld for appellant and by Paul L. Winnemore,  
Deputy City Attorney for respondent. Cause submitted.

DIVISION ONE (continued)

B213075     In re Marriage of Stewart.  
               Stewart  
               v.  
               Stewart

Merits:

Argued by Robert K. Kent for appellant-respondent and by James L. Keane for respondent-appellant. Cause submitted.

Rothschild, J. leaves the bench.

B217826     David Hoffman, A.P.C.  
               v.  
               Cohen & Associates, Inc.

Merits:

Argued by David Hoffman for appellant and by Barry L. Cohen for respondent. Cause submitted.

B211487     People  
               v.  
               Juarez

Merits:

Argued by Kenneth H. Lewis for appellant and by Robert L. Davis, Deputy Attorney General for respondent. Cause submitted.

B216291     Steinman, et al.  
B218554     v  
               Malamed, et al.

Merits:

Argued by Eric M. George and Ira Bibbero for appellants and by Eric Troff for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B215787      Moshe Perry      (Not for Publication)  
v.  
Anna Meguerian, et al.

### The Court:

The judgment of dismissal is affirmed. Respondents shall recover their costs on appeal.

Klein, P.J., Kitching, J., Aldrich, J.

B218195      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Frederick G. and T.P.,

The order from which the parents have appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B215027      Monique Darlene Flores, et al.      (Not for Publication)  
v.  
Windsor Properties LLC, et al.

The judgment is affirmed. The defendants shall recover their costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

April 22, 2010 (Continued)

### DIVISION THREE (continued)

B212340      People      (Not for Publication)  
v.  
Indiana Lumbermens Mutual Insurance Company

The order denying the surety's motion to vacate forfeiture and exonerate the bail bond is affirmed. Plaintiff and respondent County of Los Angeles shall recover its costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B212548      People                                  (Not for Publication)  
v.  
Richard Ruelas

The judgment is affirmed. The abstract of judgment shall be amended to reflect the fact the sentence on count 1 was stayed pending Ruelas's completion of the sentence on count 2. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B215342      People  
v.  
Carlos M. DeGuzman

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed February 20, 2009) dismissed.

### DIVISION THREE (continued)

B213479      MKB Management, Inc.  
v.  
Andre O. Melikian

On the court's own motion, rehearing is granted.

B208941      Darren Hager  
v.  
County of Los Angeles, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FOUR

B217924      People      (Not for Publication)  
v.  
LaDaniel A.

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B215665 People (Not for Publication)  
v.  
Serrano

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed. However, because the abstract of judgment does not note that both the sentence and enhancement imposed on count 1 were stayed under section 654, we direct the clerk of the superior court to file an amended abstract of judgment noting the stay of the sentence on count 1.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B218255 People (Not for Publication)  
v.  
Stanton

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B217888 People (Not for Publication)  
v.  
Lorenzo

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

## April 22, 2010 (Continued)

## DIVISION FOUR (continued)

B213388 People (Not for Publication)  
v.  
Kevin H.

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B211609      Absolute Bonding Corporation      (Not for Publication)  
v.  
White-Watkins

The judgment is affirmed. Each side shall bear its own costs.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B210211      Whitmire, et al.      (Not for Publication)  
v.  
Ingersoll-Rand Company, et al.

The judgment is affirmed. Bechtel shall recover its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.



DIVISION FOUR (continued)

B208214      Walton, et al.                      (Certified for Publication)  
                 v.  
                 The William Powell Company

The judgment is reversed, and the matter is remanded with directions to the trial court to vacate the judgment and enter a new judgment in favor of Powell on the Waltons' claims. Powell is awarded its costs on appeal.

Manella, J.

We concur:   Epstein, P.J.  
                 Willhite, J.

B214142      Shen, et al.                      (Not for Publication)  
                 v.  
                 Wang, et al.

The orders of December 18 and 19, 2008 are affirmed. The respondents are to recover their costs on appeal.

Willhite, J.

We concur:   Epstein, P.J.  
                 Manella, J.

April 22, 2010 (Continued)

DIVISION FIVE

B215888      People                                  (Not for Publication)  
v.  
Jose Schindelmeiser

The Penal Code section 12022.7 great bodily injury enhancement is stricken. Defendant's presentence custody credit award is reversed and this matter is remanded for further proceedings consistent with this opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

B209654      The People  
v.  
Alejandro Gomez

Filed order denying petition for rehearing.

1011702-10

The Honorable **EDWARD A. FERNS**, Judge of the Superior Court of California, County of **LOS ANGELES**, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division **FIVE**, as a justice thereof, on the following dates:

**April 17, 2010 to June 16, 2010**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

April 12, 2010

Ronald M George  
Chief Justice of California and  
Chairperson of the Judicial

April 22, 2010 (Continued)

DIVISION SIX

B214109 People (Not for Publication)  
v.  
Rivas

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B217667 People (Not for Publication)  
v.  
Snyder

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

## DIVISION EIGHT

B215244      Mary Jones      (Not for Publication)  
v.  
The Regents of the University of California

The judgment is affirmed. The parties shall bear their own costs on appeal.

Lichtman, J. (Assigned)

We concur: Bigelow, P.J.  
Rubin, J.

April 22, 2010 (Continued)

## DIVISION EIGHT (continued)

B215217      People                                  (Not for Publication)  
v.  
Steven Scott John

The judgment is conditionally reversed. The cause is remanded to the trial court with directions to hold a new in camera hearing on John's Pitchess motion and to order disclosure of all information relevant to the officer's veracity. The court is further directed to allow John an opportunity to demonstrate prejudice and to order a new trial if there is a reasonable probability the outcome would have been different had the information been disclosed. If the court finds that John cannot establish that he was prejudiced by the denial of discovery, the judgment shall be reinstated as of that date.

Lichtman, J. (Assigned)

We concur: Rubin, Acting P.J.  
Flier, J.

B206569      People  
v.  
Sanders

Filed order vacating opinion of February 24, 2010 and vacating modified order of March 23, 2010. Cause resubmitted.